

**IN THE NORTHERN DISTRICT OF OKLAHOMA
UNITED STATES OF AMERICA**

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|---------------------------------------|---|-------------------------------------|
| (1) Jack Sweet, and |) | |
| (2) Margaret Sweet, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Case No. 21-cv-00358-TCK-JFJ |
| v. |) | |
| |) | |
| (1) Bed Bath & Beyond Inc., |) | |
| (2) Allstar Marketing Group, LLC |) | Attorney Lien Claimed |
| d/b/a Allstar Products Group, |) | Jury Trial Demanded |
| LLC, |) | |
| (3) Ste. Michelle Wine Estates Ltd. |) | |
| d/b/a chateau Ste. Michelle, |) | |
| (4) Ste. Michelle International Ltd., |) | |
| (5) Walgreens Co., |) | |
| |) | |
| Defendants. |) | |

**DEFENDANT BED BATH & BEYOND, INC.'S ANSWER TO WALGREEN, CO.'S
CROSS-CLAIM AND CROSS-CLAIMS AGAINST ALL CO-DEFENDANTS**

COMES NOW Defendant, Bed Bath & Beyond, Inc., by and through its attorneys of record, pursuant to F.R.C.P. 13(g) and files its answer to Walgreen, Co.'s Cross-Claim and its Cross-claims against Co-Defendants Walgreen Co., Allstar Marketing Group, LLC, d/b/a Allstar Products Group, LLC, Ste. Michelle Wine Estates Ltd., d/b/a Chateau Ste. Michelle, and Ste. Michelle International Ltd., for the following reasons:

1. On September 1, 2021, Plaintiffs filed the pending lawsuit under causes of action for negligence, product liability, breach of warranty, strict liability and alleged that they sustained personal injuries on or about March 12, 2020 while using a product described as VINO POP to open a bottle of wine.
2. Plaintiffs claim that this Defendant, Bed Bath & Beyond, Inc. and Allstar Product Groups, LLC allegedly sold them the VINO POP.

3. Plaintiffs claim that Defendant Walgreen, Co. sold them the bottle of wine involved in this incident.
4. Plaintiffs claim Defendants Ste. Michelle Wine Estates Ltd., d/b/a Chateau Ste. Michelle, and Ste. Michelle International Ltd., cellared and bottled the bottle of wine allegedly sold to the Plaintiffs.
5. Plaintiffs allege that all Defendants are joint tortfeasors in causing injury to the Plaintiffs and in the distribution of a bottle of wine cellared and bottled by Ste. Michelle Wine Estates Ltd., d/b/a Chateau Ste. Michelle, and Ste. Michelle International Ltd. and allegedly distributed by and Walgreen, Co., in connection with an alleged defective product manufactured by Defendant Allstar and allegedly distributed by Defendant Bed Bath & Beyond.
6. In the scenario that it is determined that Defendants are joint tortfeasors and further in the event that Bed, Bath & Beyond, Inc., pays more than its applicable share of liability, then, Bed, Bath & Beyond, Inc., is entitled to contribution against Walgreen, Co., Allstar Marketing Group, LLC, d/b/a Allstar Products Group, LLC, Ste. Michelle Wine Estates Ltd., d/b/a Chateau Ste. Michelle, and Ste. Michelle International Ltd., for all sums paid in excess of its applicable share.
7. Defendant Bed, Bath & Beyond, Inc., did not alter or modify the product in question and simply served as a retailer in allegedly selling the product that was supplied to Plaintiffs. Therefore, under manufacturer's product liability, Bed, Bath & Beyond, Inc., as retailer, is entitled to indemnity over and against Walgreen, Co., Allstar Marketing Group, LLC, d/b/a Allstar Products Group, LLC, Ste. Michelle Wine Estates Ltd., d/b/a Chateau Ste. Michelle, and Ste. Michelle International Ltd., for all sums expended in defense of this suit, costs and expert witness fees, and reimbursement for attorney's fees. An indemnity demand is hereby placed on Walgreen, Co., Allstar Marketing Group, LLC, d/b/a Allstar Products Group, LLC, Ste. Michelle Wine Estates Ltd., d/b/a Chateau Ste.

8. Defendant Bed, Bath & Beyond, Inc., is entitled to common law and statutory indemnity over and against Walgreen, Co., Allstar Marketing Group, LLC, d/b/a Allstar Products Group, LLC, Ste. Michelle Wine Estates Ltd., d/b/a Chateau Ste. Michelle, and Ste. Michelle International Ltd., for any misstatement or misrepresentation that was made in connection with the sale, promotion and retailing of the product in question if, in fact, it is determined that the product literature which had accompanied the sale of the product in question or the representations that were made by the manufacturer's representatives of Walgreen, Co., Allstar Marketing Group, LLC, d/b/a Allstar Products Group, LLC, Ste. Michelle Wine Estates Ltd., d/b/a Chateau Ste. Michelle, and Ste. Michelle International Ltd., prove to be false or invalid.
9. Therefore, Defendant Bed, Bath & Beyond, Inc. is entitled to indemnification and/or contribution from Plaintiffs' claims being brought herein.

WHEREFORE, Defendant Bed, Bath & Beyond, Inc., prays for judgment over and against Walgreen, Co., Allstar Marketing Group, LLC, d/b/a Allstar Products Group, LLC, Ste. Michelle Wine Estates Ltd., d/b/a Chateau Ste. Michelle, and Ste. Michelle International Ltd., for contribution and indemnity as set forth above, including reimbursement for all sums expended in defense of this suit, including costs, and expert's costs and attorney's fees.

Respectfully submitted,

/s/ Stephani R. Johnson

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Attorneys for Defendant Bed Bath & Beyond, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above pleading was served on all counsel of record on the 12th day of November 2021.

/s/ Stephani R. Johnson

Stephani R. Johnson